



TEXAS COUNCIL *for*  
DEVELOPMENTAL  
DISABILITIES

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## **Public Comment**

### **2016 Draft State Low-Income Housing Plan**

Thank you for the opportunity to provide comments on the Texas Department of Housing and Community Affairs (TDHCA) 2016 Draft State Low Income Housing Plan and Annual Report (SLIP). The Texas Council for Developmental Disabilities (TCDD) is established in federal law in the Developmental Disabilities Assistance and Bill of Rights Act and is governed by 27 board members, appointed by the Governor, 60 percent of whom are individuals with developmental disabilities or family members of a person with disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

In Texas our current population is almost 27 million and it is estimated that 14.5% have disabilities. According to the most recent figures from the federal Office of Disability Employment Policy (ODEP) only 19% of the approximately 4 million Texans with disabilities are working. ODEP also tells us that when people with disabilities do find work they are paid significantly less than people without disabilities.<sup>1</sup> The Americans with Disabilities Act did not improve employment for people with disabilities. In fact, the statistics are worse.<sup>2</sup> And, the SLIP identifies 1,105,990 Texans with the largest rental need falling below 30% of Texas Annual Median Family Income (AMFI), or \$16,000 or less per year.<sup>3</sup>

Nearly two percent of Texas adults with disabilities have what is called a developmental disability which means their disability occurred before age 22, is chronic and severe and significantly limits three or more major life activities, like self-care, learning, and economic self-sufficiency. People with developmental disabilities most often rely on various federal Social Security benefits for their income and basic health care meaning their income is around 16% of AMFI or less. In terms of non-working individuals with disabilities, a report by the Texas Workforce Investment Council finds 2,124,695 individuals with disabilities did not participate in the labor force.<sup>4</sup>

The TDHCA Draft 2016 State of Texas Low-Income Housing Plan and Annual Report states, "Since many persons with disabilities and older Texans live on fixed incomes, such as Supplemental Security Income, another recognized need is deeply affordable rents."<sup>5</sup> However, the policy driven actions reported by TDHCA responsive to this statement include only one TDHCA program that targets people with income below 30% AMFI. This program, Section 811, will be for individuals with disabilities who wish to leave institutions; people with serious mental illness and children exiting foster care. Advocates support this critical program that will assist the lowest income people with significant and long-term disabilities to live independently in the community by providing affordable housing linked with voluntary services and supports. HUD anticipates the initial funding to TDHCA will provide 296 individuals below 30% AMFI with housing and supports. For all others with disabilities who are below 30% AMFI the only option is TDHCA Homeless Housing and Services programs.

Failure to provide housing affordable to people with disabilities or elderly who rely on Social Security, Social Security Disability Income or Supplement Security Income forces many

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individuals into unlicensed boarding homes that are known for financial exploitation and abuse. This issue of boarding homes is a subject of a current legislative interim charge.

TDHCA should go further than simply recognizing the unmet need for deeply affordable housing in your 2016 SLIP.

Goal 1 for TDHCA, page 197, is to increase and preserve affordable housing for people with very low, low and moderate income. People in the extremely low income category (0-30% AMFI) are not included. And, any housing targeted to 30% AMFI generally goes to the population nearest 30% AMFI.

- TCDD Recommendation: TDHCA should develop a target income category of between 0 and 110% of the level of SSI. Setting a threshold below “extremely low” will allow Texas to monitor, plan for, and allocate resources to a group that is currently slipping through the cracks of our housing and human service programs.

Goal 3 for TDHCA, page 200, seeks to improve living conditions for the poor and homeless and reduce the cost of home energy for very low-income Texans. Seniors and people with disabilities living on fixed incomes will not be able to keep up their homes and will be choosing between heat and food.

- TCDD Recommendation: People with extremely low-income should be included in the opportunity to improve living conditions.

Rider 5 (a) of the General Appropriations Act instructs TDHCA to target its housing finance programs resources for assistance to extremely low-income households. The SLIP reports \$30 million per year was allocated, or about 12% per year. While 12% is equal to the identified 0-30% AMFI population with a worst case housing need reported on the SLIP on page 22, our analysis indicates that 9% of this allocation went to Homeless Housing Programs and Services. That would leave 3% for any other assistance for households with extremely low income seeking housing that is not segregated to a particular group, such as homeless. Section 811 received 4%, or \$12 million. These rough estimates do not factor in annual actual costs, but seem to indicate that none of the TDHCA programs are seeking to provide community-integrated housing for individuals with disabilities who are not part of a small number of individuals with disabilities who are transitioning from an institution to a community setting with the TDHCA Section 811 or Project Access programs.

- TCDD Recommendation: TDHCA should increase the allocation of resources that provide mainstream community integrated housing for people with extremely low-income.

Additional improvements to TDHCA goals:

- TCDD Recommendation: Include a goal to dedicate expected National Housing Trust Funds to establish community-integrated accessible housing for individuals who must rely on Social Security or Supplemental Security Income or incomes no greater than 20% AMFI.
- TCDD Recommendation: Include a goal to encourage and provide incentives to employ people with disabilities in building, rehabilitating or managing TDHCA housing programs in support of the Texas Employment First policy for working age Texans adopted by the 83rd Texas Legislature.

- TCDD Recommendation: Include a goal to promote innovative approaches that advance community integrated housing opportunities for individuals with disabilities that couple general revenue with federal funding.

The past two Texas Legislatures appropriated \$10.9 million in general revenue to local mental health authorities (LMHAs) for up to 12 months of rental assistance for people with mental illness who are homeless or near homeless. Through TDHCA the LMHAs became Tenant-Based Rental Assistance administrators to maintain someone in subsidized housing when they are on waiting lists for permanent housing subsidies. Using general revenue with the promise of a permanent housing subsidy for people with disabilities with extremely low-income is a better solution than housing individuals in nursing homes, intermediate care facilities and state mental hospitals that consume a disproportionate share of limited public resources.

Thank you for your work to advance accessible, affordable, integrated housing for Texans with and without disabilities.

Respectfully submitted,

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<sup>1</sup> Labor Force Participation. December 2015 Disability Employment Statistics. Retrieved January 14, 2016 from [dol.gov/odep/](http://dol.gov/odep/)

<sup>2</sup> America Still Leaves the Disabled Behind by Ananya Bhattacharya and Heather Long, CNN Money, July 26, 2015. Retrieved January 14, 2016 from [money.cnn.com/2015/07/26/news/economy/americans-with-disabilities-act-problems-remain/](http://money.cnn.com/2015/07/26/news/economy/americans-with-disabilities-act-problems-remain/)

<sup>3</sup> 2016 State of Texas Low-Income Housing Plan and Report – Draft. Housing Resource Center. Texas Department of Housing and Community Affairs, pg. 22.

<sup>4</sup> People with Disabilities: A Texas Profile. Texas Workforce Investment Council. April 2013. Retrieved January 15, 2016 from [gov.texas.gov/files/twic/Disabilities\\_Profile.pdf](http://gov.texas.gov/files/twic/Disabilities_Profile.pdf)

<sup>5</sup> 2016 State of Texas Low-Income Housing Plan and Report – Draft. Housing Resource Center. Texas Department of Housing and Community Affairs, pg. 223.